

Remarks

In the Claims

Claims 1-12, 14-17 and 19 were pending.

Claims 5-7 are amended.

Claim 11 is original.

Claims 10 and 12 are as previously presented.

Claims 1-4, 8, 9, 14-17 and 19 are cancelled.

The application now contains claims 5-7 and 10-12.

Applicants thank the Examiner for rejoining claims 10-12.

Claims 5-7 are amended for clarity at the beginning of line 1 by specifying that the polymers are co-polymers. Also for clarity, the word "first" is inserted prior to "repeating unit" in line one to differentiate this repeating unit from the repeating unit T. Applicants believe this modification is acceptable and adds clarity because dependent claim 7 refers to the sum of the two repeating units. Support is inherent in the claims as two monomers must be present.

Claim 5 is further amended to be a dependent claim, to replace the phrase at the end of the claim "D, E and G are as defined in claim 2" with said limitations from claim 2 and to incorporate the limitations relating to the benzotriazole moiety from claim 7.

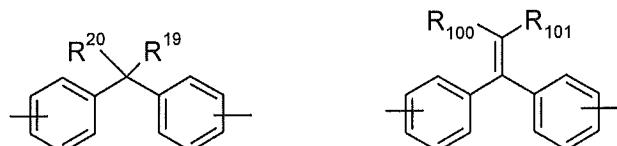
Claim 6 is further amended to delete the multiple ranges from the second line following the structures. Claim 7 is amended to delete the material that was inserted into claim 5 and to make minor changes in the line immediately following the now deleted structures to reflect the above amendments.

No new matter is added.

Rejections

Claims 5 and 6 are rejected under 35 USC 112 second paragraph for containing narrower limits within the range of broader limits. Claim 6 is instantly amended to delete the multiple ranges therein.

Applicants however believe that a misinterpretation of the claim is responsible for the 112 rejections of claim 5. The Examiner points out that claim 5 recites the broad range that R¹⁹ and R²⁰ form a ring and also that R¹⁹ and R²⁰ together form a group =CR¹⁰⁰R¹⁰¹. Applicants use the term "=CR¹⁰⁰R¹⁰¹" to mean that R¹⁹ and R²⁰ together form a double bond to a carbon atom which is substituted by R¹⁰⁰R¹⁰¹.



That is, the group can be . Applicants therefore respectfully submit that this is not a case of multiple ranges.

In light of the above amendments and discussion, Applicants respectfully submit that the rejections of claims 5 and 6 under 35 USC 112 second paragraph are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 5 and 6 are rejected under 35 USC 102(b) as being anticipated by Ogawa JP 08311193.

Applicants respectfully traverse the rejections.

Ogawa disclose polymerizes containing monomer units which are polymerized through the hydroxy group adjacent to the triazole rings of bis-Bzt UVAs. The instant amendments specify that no such monomer group can be present as the group A³ in instant claim 5, which corresponds to the position of said hydroxy is limited to hydrogen C₁-C₁₈alkoxy, or C₁-C₁₈alky and can not participate in the polymerization.

Applicants respectfully submit that the rejections of claims 5 and 6 under 35 USC 102(b) as being anticipated by Ogawa JP 08311193 are overcome and kindly ask that the rejections be withdrawn.

Claims 5-7, 10 and 12 are rejected under 35 USC 102(b) as being anticipated by Woo, US 6,512,083. On page 6 of the Action the Examiner acknowledges that Woo does not anticipate the invention therefore Applicants ask that the 102 rejections be withdrawn.

Claims 5-7, 10 and 12 are rejected under 35 USC 103(a) as being obvious over Woo, US 6,512,083.

Applicants respectfully traverse the rejections.

Applicants respectfully point out that Woo discloses fluorene copolymers with a large laundry list of other generically described aromatic species. Woo simply generically mentions "benzotriazines" once in passing and offers no examples or means of making such copolymers. Further, the instant Bzts are based on a select group of only 2H-phenyl or naphthyl benzotriazoles. Applicants respectfully aver that the generic disclosure that any benzotriazines can be used in co-polymers in an insufficient disclosure that fail to direct one to select the instant monomers in the preparation of the co-polymers of the instant invention as required for there to be a finding of obviousness.

Applicants respectfully submit that the rejections of claims 5 -7, 10 and 12 under 35 USC 103(a) over Woo, US 6,512,083 are overcome and kindly ask that the rejections be withdrawn.

Claims 5 and 6 are rejected under 35 USC 103(a) as being obvious over Dillon, WO 97/12882.

Applicants respectfully traverse the rejections.

The Examiner notes that the "only difference is the pendant OH groups" and suggests that one would expect similar properties between the polymers of Dillon and the instant polymers. Applicants respectfully point out that the presence of the hydroxyl groups on benzotriazoles as in Dillon are known to provide UV stabilizers. There is much known about the properties of these Benzotriazole UVAs and they are known to have completely different properties, for example, the UVAs absorb light and do not strongly fluoresce, whereas the instant compounds fluoresce strongly. The characteristics that limit prevent fluorescence in the Benzotriazole UVAs are directly related to their value as stabilizers. Thus there is no expectation of similar properties between the instant polymers and those of Dillon.

Applicants therefore kindly ask that the rejections under 35 USC 103(a) over Dillon, WO 97/12882 be withdrawn.

Claims 5-7 and 10-12 are rejected under 35 USC 103(a) as being obvious over Rogers US 2005/0175856.

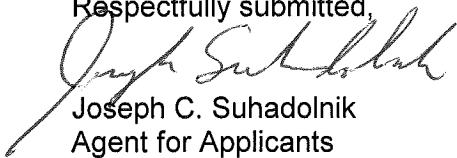
Applicants respectfully note that Rogers US 2005/0175856 would qualify as prior art only under 102(e) as the instant application has a priority date of November 4, 2003. The subject matter of the cited Rogers art and the instant application were, at the time of the claimed inventions, commonly owned by and assigned to Ciba Specialty Chemicals, US 2005/0175856 is US Pat Appl 10/517,411 with an assignment recorded in the United States Patent and Trademark Office on February 2, 2002, reel/frame 017603/0937, an assignment for the instant application recorded in the United States Patent and Trademark Office on December 21, 2006, reel/frame 018719/0329, Applicants respectfully submit that US 2005/0175856 can not be held as prior art against the instant invention.

Applicants therefore kindly ask that the rejections under 35 USC 103(a) over Rogers US 2005/0175856 be withdrawn.

Claims 5-7 10 and 11 are rejected under the doctrine of non-obvious type double patenting over US App. No. 10/517,411, which has become US Pat 7,541,096. Applicants have enclosed a terminal disclaimer over any patent that may issue from US App. No. 10/517,411, which of course includes US 7,541,096, and kindly ask that the Examiner withdraw the non-obvious type double patenting rejections.

Applicants respectfully submit that all rejections are addressed and are overcome and kindly ask that they be withdrawn and claims 5-7 and 10-12 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosed: Terminal disclaimer over US App. No. 10/517,411